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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK, and developments related thereto, from 10 March to 31 May 2009.

II. Political situation

2. Kosovo authorities continued to act on the basis of the "Constitution of the Republic of Kosovo" and made a series of public statements requesting UNMIK to conclude its mission, asserting that Security Council resolution 1244 (1999) is no longer relevant and that they had no legal obligation to abide by it. Since my last report to the Security Council (S/2009/149), four additional States have recognized Kosovo, bringing the total to 60.

3. Although the Kosovo authorities maintained minimal contact with my Special Representative, Lamberto Zannier, during the reporting period, there continued to be practical cooperation between UNMIK representatives and Kosovo officials. My Special Representative and international stakeholders encouraged Pristina to take a more constructive stance towards engagement with UNMIK.

4. The International Court of Justice received written statements by 36 Members of the United Nations, as well as by the Kosovo authorities, on the question "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?". On 8 October 2008, by General Assembly resolution 63/3, the Court was requested to issue an advisory opinion on this question.

5. On 17 April, Serbian President Boris Tadić visited Kosovo to attend Orthodox Good Friday services at Visoki Dečani Monastery. Whereas the Kosovo authorities decided not to block the visit, stipulating that it should remain apolitical, they

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blocked a number of separate working visits by Serbian officials to areas of Kosovo south of the Iber/Ibar River on procedural grounds. According to the Kosovo authorities, they should be notified directly by Belgrade before Serbian officials visit Kosovo.

6. In line with my reports of 24 November 2008 (S/2008/692) and 17 March 2009 (S/2009/149) and the Security Council's presidential statement of 26 November 2008 (S/PRST/2008/44), the European Union Rule of Law Mission in Kosovo (EULEX) has continued to operate under the overall authority of the United Nations and within the status-neutral framework of Security Council resolution 1244 (1999). During the reporting period, EULEX continued to build up its presence to the current total of 1,651 international and 918 local employees. On 6 April, the European Union announced that EULEX had reached full operational capability. UNMIK and EULEX exchange information and coordinate on issues of mutual concern on a regular basis. The report of the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union on the activities of EULEX is attached as annex I to the present report.

7. Although many Kosovo Serbs reject the authority of Kosovo institutions derived from the "Constitution of the Republic of Kosovo", as does the Government in Belgrade, increasing numbers continue to apply for Kosovo identity cards, driver's licences and other Kosovo documentation, and sign contracts with the Kosovo Energy Corporation in order to facilitate their daily lives in Kosovo.

8. Municipal elections are expected to take place in Kosovo in October or November 2009. Following months of public debate and calls by the opposition to hold elections at the earliest possible date, on 18 May representatives of political parties in Pristina held an initial round of consultations on the date of the elections. There is concern over the capacity of the local institutions to manage an electoral process. Since the establishment of the international presence in Kosovo in 1999, the Organization for Security and Cooperation in Europe (OSCE) has, as part of UNMIK, been in charge of organizing the elections held in Kosovo in 2000, 2001, 2002, 2004 and 2007. Following the entry into force of the "Constitution of the Republic of Kosovo", the Kosovo authorities began to assume full responsibility for the Central Elections Commission and its secretariat. In May, the Assembly of Kosovo appointed a new chairperson of the Commission and the Commission elected the Chief Executive Officer of its secretariat, a position that had been vacant for more than one and a half years. However, the Commission continued to face serious challenges in terms of its proper management and functioning, owing to its increasing politicization, political deadlocks and limited professional capacities. OSCE continued its regular capacity-building activities for the Commission and its secretariat through OSCE staff that are co-located within the secretariat and provide daily advice.

9. The municipalities in the north of Kosovo, as well as northern Mitrovicë/Mitrovica, continue to operate largely separately from the rest of Kosovo. Northern Kosovo Serb leaders consider UNMIK and the Kosovo Force (KFOR) as the only legitimate international presence under Security Council resolution 1244 (1999) and have shown no change in their firm non-acceptance of any institutions or symbols of the Kosovo authorities. They remain strongly against changes in the Kosovo Police chain of command that would link the police in the north directly to the police in Pristina. The Kosovo Police in the north currently reports to EULEX.

10. UNMIK continued to lend its good offices to all communities in the north of Kosovo, where the overwhelming majority of residents are Kosovo Serbs, and to provide links with institutions in Pristina, when required. All communities support the role of UNMIK in these efforts. Its presence in the northern municipalities has also served as a bridge between EULEX and local political leaders, some of whom are still reluctant to communicate directly with EULEX.

III. Security

11. The overall security situation in Kosovo remained relatively calm. However, a series of incidents occurred in the northern Mitrovicë/Mitrovica suburb of Kroi i Vitakut/Brdjani, where Kosovo Albanian former residents, despite opposition by local Serbs, started rebuilding their houses which had been destroyed in 1999.

12. UNMIK, in coordination with EULEX and KFOR, encouraged both sides to find a sustainable and peaceful solution. Nevertheless, construction work began on 23 April which led to daily protests organized by Kosovo Serbs. As soon as the situation started causing security concerns, Kosovo Police, EULEX and KFOR stepped in to protect the construction sites from the demonstrators. EULEX used tear gas on a number of occasions to disperse the demonstrators. On 27 April, EULEX and KFOR came under gunfire by Kosovo Serbs but brought the situation under control. Relatively few injuries were reported during the period of protests. Political leaders on both sides condemned the acts of violence, as did the Belgrade authorities. Through its continued mediation, UNMIK, with the support of EULEX and KFOR, eventually broke the deadlock and brought the two sides into agreement on a pragmatic solution. The Kosovo Serbs agreed to the rebuilding of five Kosovo Albanian homes, whereas the Kosovo Albanians agreed to Kosovo Serbs building five homes on recently acquired parcels of land in the same area. As a result, on 13 May, Kosovo Serbs began clearing their parcels of land in preparation for subsequent construction work.

13. The Kosovo Police, EULEX and KFOR continue to monitor closely the construction work at both the Kosovo Serb and the Kosovo Albanian sites, and all necessary measures are being taken to keep the situation manageable. However, the situation is not fully resolved. The Kosovo Albanians have expressed the intention to rebuild 25 homes this year and, as a result, negotiations between the communities, with UNMIK facilitation, are expected to continue.

14. The North Atlantic Treaty Organization (NATO) is overseeing and facilitating the training of the newly established Kosovo Security Force (KSF), expected to reach interim operational capability in September 2009. Kosovo Serbs, who were envisaged to fill most of the 10 per cent quota reserved for minority communities, continue to oppose the Security Force. Its creation rendered the Kosovo Protection Corps non-operational because over 90 per cent of Corps members applied to join the Force. Former Corps members who did not apply to join the Force or were not selected are participating in retirement or economic reintegration programmes run by the UNMIK Office of the Kosovo Protection Corps and the United Nations Development Programme (UNDP). The Office will cease operations on 15 June 2009.

IV. Dialogue with Belgrade

15. In accordance with my report to the Council of 24 November 2008, UNMIK continued efforts to facilitate engagement by all the sides in the implementation of practical solutions to issues of mutual concern. My Special Representative, together with the United Nations Office in Belgrade and UNMIK and EULEX experts, continued substantial technical discussions with officials in Belgrade, with EULEX leading technical discussion on issues related to its role and activities in the areas of justice, police and customs, within the framework of Security Council resolution 1244 (1999). Whereas the authorities in Belgrade have been keen to discuss pragmatic arrangements in the areas of concern, Kosovo authorities have remained reluctant to engage.

16. Some progress has been made in reaching agreement and implementing solutions in the area of protection of the Serbian cultural heritage in Kosovo. In April and May, UNMIK experts held talks with the main stakeholders, including international organizations that are active in this field, in order to find a formula for cooperation that would be acceptable to the authorities in Belgrade and Pristina, as well as to the Serbian Orthodox Church.

17. In the justice sector, meetings with the Serbian authorities were held in Belgrade on 8 April, with the participation of UNMIK and EULEX representatives. Discussions focused on the details of a road map for the reintroduction of local judges and prosecutors to the Mitrovica courthouse. Some progress was achieved in forming a commission composed of local staff to inventory the active cases stored in the courthouse as a confidence-building measure. UNMIK representatives also continued consultations with Kosovo Serb political leaders from the northern municipalities on normalizing the functioning of the justice system in northern Kosovo. In the meantime, EULEX judges and prosecutors are processing urgent cases from the Mitrovica courthouse.

V. UNMIK reconfiguration

18. As indicated in my previous report (S/2009/149), the reconfiguration and downsizing of the Mission is close to finalization. The 2009/10 budget proposal reflects the projected end-state of the reconfiguration process, which envisages that the Mission will be reduced from the overall current authorized personnel strength of 4,911 to 507 proposed personnel, comprising 491 civilians, 8 United Nations police and 8 military liaison officers. The assumption of an operational role in the rule of law sector by EULEX last December has been reflected in the corresponding drawdown of the UNMIK rule of law component, from the authorized strength of 3,329 to the proposed 22 personnel of the Police and Justice Liaison Office, effective as of 1 July 2009. As a consequence of the reconfiguration in the substantive areas, the UNMIK Mission Support Division is in the process of drawdown, from this year's authorized personnel strength of 907 to the proposed strength of 225 for the 2009/10 budget year.

19. The structure and strength of the reconfigured Mission proposed in the 2009/10 budget submission is intended to ensure that the Mission is properly resourced to perform the specific functions outlined in my reports of 12 June (S/2008/354) and 24 November 2008 (S/2008/692). As Kosovo is still faced with

significant challenges in the field of inter-ethnic relations, the Mission will also allocate its resources to the continuous mediation between communities and to supporting minority communities throughout Kosovo. Specifically, by creating the Office for Community Support and Facilitation, UNMIK will concentrate the necessary resources to perform minority-related functions, including supporting the returns process and residual functions relating to human rights monitoring. The Office will also include a field presence in Pejë/Pec owing to the area's important cultural heritage sites, as well as a mobile field unit based in Pristina covering the central and southern parts of Kosovo. The Mitrovicë/Mitrovica regional office will remain the focal point for all activities in the north.

20. The Mission has commenced the drawdown and disposal of its surplus assets and the handover of premises as part of its overall reconfiguration. As of July 2008, the value of the Mission's inventory holding, comprising 38,324 items, stood at approximately $100.5 million. As of May 2009, the Mission had reduced its inventory holding to around $97 million. The plan for disposal of surplus assets includes the sale of surplus assets valued at around $13.3 million to EULEX, under the technical arrangement between UNMIK and the European Union Planning Team for the sale of surplus assets and supplies, entered into on 18 August 2008. UNMIK is currently in the process of disposing of surplus assets valued at around $15 million through commercial sales, in compliance with the applicable financial and property management rules. The surplus asset disposal plan will continue to be implemented throughout the 2009/10 budget cycle. The Mission is consolidating its office space and warehouses into seven premises in four cities, namely, Pristina, Mitrovica, Belgrade and Skopje.

VI. Rule of law

21. During the reporting period, UNMIK handed over to EULEX all remaining active case files with the exception of one ongoing criminal case and four proceedings of the Special Chamber of the Supreme Court in Kosovo, whose transfer would have adversely affected human rights or judicial efficiency. The handovers were completed by the end of March, as anticipated in my previous report (S/2009/149). EULEX is now fully responsible for all cases. All closed cases were archived with the local courts.

22. The Mission continues to exercise certain responsibilities with regard to external relations in the justice area. As of 19 March 2009, local authorities took over responsibility for international legal assistance requests to and from countries which have recognized Kosovo, while UNMIK continues to deal with such requests from and to non-recognizing countries. UNMIK also continues to play a role in facilitating contacts between EULEX and the local authorities, on the one hand, and the International Criminal Police Organization (INTERPOL), on the other, with regard to international legal assistance matters. The Mission continues to serve as the focal point for matters related to the International Criminal Tribunal for the former Yugoslavia in Kosovo. A working relationship between the Tribunal and EULEX is being developed, in view of the operational role of EULEX in police matters.

23. The Mitrovicë/Mitrovica Detention Centre has faced a staffing problem since the Kosovo Albanian correctional staff left owing to security concerns on

17 February 2008. It appears that the management of the Kosovo Correctional Service is reluctant to recruit or reassign additional Kosovo Serb staff already employed by the Service from other facilities to replace the missing Kosovo Albanian staff. UNMIK is liaising with the Service and EULEX to find a solution.

24. The functioning of the Office on Missing Persons and Forensics has now been assumed by EULEX, with the Mission maintaining one forensic expert to ensure cohesive cooperation with EULEX at the technical level. The Mission continues to maintain a presence in the Working Group on Missing Persons, at the request of the International Committee of the Red Cross. Belgrade and the Kosovo Serb and Kosovo Albanian associations of families of missing persons have also supported UNMIK participation in the Working Group. My Special Representative continues to ensure that the issue of missing persons receives adequate political support from all international partners and local actors and remains non-politicized. During the reporting period, 26 bodily remains, 7 of them belonging to Serbs and 19 to Kosovo Albanian victims, were identified and returned to the victims' families.

25. The Kosovo authorities announced that the salaries of Kosovo Serb police officers who had stopped reporting to their duty stations after Kosovo's declaration of independence would no longer be paid as of 15 May 2009, and that 30 June 2009 had been set as the deadline for them to return to work. The Kosovo authorities stated that police officers who failed to return to work by the deadline would lose their posts, which would be filled through new recruitment. A growing number of Kosovo Serb police officers appear to have started returning to work since the announcement; there also appears to be considerable interest among members of the Kosovo Serb community in applying for posts that might become vacant after 30 June.

VII. Human rights

26. My Special Representative undertook consultations with the High Commissioner for Human Rights to find ways of increasing the effectiveness of the Human Rights Advisory Panel as a credible mechanism for dealing with allegations of human rights violations under the mandate of UNMIK. Agreement has been reached on the need to reaffirm the non-adversarial character of the Panel's proceedings at public hearings and to address other procedural aspects of UNMIK Regulation 2006/12 on the establishment of the Panel. The total number of cases received by the Panel to date is 378, of which 23 cases are closed.

VIII. Community issues

27. During the reporting period, the Kosovo Energy Corporation carried out a policy of collective electricity disconnection of non-paying villages in Kosovo, aimed at enforcing payment. Repeated protests were staged in Kosovo Serb villages, where disconnections were perceived as politically motivated and ethnically discriminatory. Protests in Shillovë/Šilovo in early March 2009 and in Pasjane/Pasjan on 10 May 2009 turned violent. The Kosovo Energy Corporation, with the support of international actors, reached out to the disconnected villages by offering payment arrangements. This led to the signing of collective agreements and the eventual reconnection of the majority of the affected villages by the end of the

reporting period. Inhabitants of a few Kosovo Serb-majority areas, in particular Graçanicë/Gračanica, remain reluctant to sign agreements with the Corporation despite having been urged by senior representatives of the Serbian Ministry for Kosovo and Metohija to pay their electricity bills. Some Kosovo Serbs argue that a contractual relationship with a public entity would constitute implicit recognition of Kosovo's independence.

28. OSCE closely monitored the developments surrounding the electricity situation, with particular focus on establishing whether there were any grounds for claiming ethnic discrimination. It concluded that the disconnections were not based on ethnicity, but that the Kosovo Energy Corporation still needed to assume a more conciliatory position given the complex political-legal context.

29. Implementation of a new traffic law by Kosovo authorities threatened to limit the freedom of movement of Kosovo Serbs who refuse to apply for Kosovo documents. In accordance with the new law, from 16 April, Kosovo Police began seizing licences and vehicle registration documents issued for Kosovo by the Serbian authorities after 1999. However, on 30 April, the Kosovo Police Commissioner issued instructions to suspend this action until further notice.

IX. Returns

30. The number of voluntary returns in 2009 is gradually increasing, even though it remains disappointingly low and continues to lag behind the 2008 figures. According to UNHCR estimates, 137 displaced community members, including 24 Kosovo Albanians, 30 Kosovo Serbs and 54 Roma, Ashkali and Egyptians, voluntarily returned to Kosovo between January and April. During the same period, 936 individuals were involuntarily returned to Kosovo from Western Europe, an increase of 27.3 per cent compared to the corresponding period in 2008. Of these, 40 persons belong to minority communities.

31. According to the Ministry of Communities and Returns, reintegration of minority communities, especially the Kosovo Serb community, continues to be a challenge. As the primary factors affecting reintegration include lack of employment opportunities, a fragile economic situation and limited access to public services and security, the Ministry intends to place greater focus on promoting economic development and sustainability of minority communities in order to encourage more returns. Over 660 families, totalling 3,100 persons, have expressed interest in returning in 2009. The Ministry is currently more responsive to applications for return and better placed to manage return requests owing to the finalization of its returnee database.

32. The Ministry of Communities and Returns is implementing six organized return projects targeting the return of 143 Kosovo Serb families in Vushtrri/Vučitrn, Prizren, Klinë/Klina, Istog/Istok, Novobërdë/Novo Brdo and Pristina municipalities. Moreover, 23 returnee families have already been assisted with housing reconstruction in 2009 and another 45 housing units should be reconstructed by the end of the year under the UNDP-managed Sustainable Partnerships for Assistance to Returns in Kosovo (SPARK) programme, funded by the British Government and the Ministry of Communities and Returns. An additional 180 returnee families will be assisted under the Return and Reintegration to Kosovo project, jointly funded by the European Commission, the Ministry of Communities and Returns and UNDP. The

one hundredth Kosovo Serb family has returned to Klinë/Klina town since the first urban returns in Kosovo in February 2005.

33. The Mitrovicë/Mitrovica Municipal Policy and Finance Committee has approved an urban regulatory plan for the Roma Mahalla on the south bank of the Ibër/Ibar River where all Kosovo Roma, Ashkali and Egyptian families currently living in camps in northern Mitrovicë/Mitrovica will be able to relocate if they are willing to do so. This ambitious plan foresees construction of houses, a police station, a hospital and a school offering multilingual education, including in the Roma language. UNMIK is working with the parties as well as with non-governmental organizations and the international community to find a sustainable solution to the Roma Mahalla issues.

X. Cultural and religious heritage

34. The Mission continued its efforts to support the work of the Council of Europe-led Reconstruction Implementation Commission on the reconstruction of cultural and religious heritage sites that had been damaged or destroyed during the March 2004 violence. My Special Representative conducted extensive consultations with the Council of Europe, the European Commission, the Serbian Orthodox Church and the Kosovo authorities in order to find financial and administrative modalities to ensure the functioning of the Reconstruction Implementation Commission and to allow for the reconstruction of Serbian Orthodox Church sites, initiated by UNMIK, to be concluded successfully. The Reconstruction Implementation Commission continues to play an important role, as it remains the only venue for Belgrade and Pristina to interact on cultural heritage issues at the technical level.

35. At a meeting of the Reconstruction Implementation Commission on 12 May, with the participation of representatives of the Kosovo Ministry of Culture, Youth and Sport, the Serbian Orthodox Church, the institutes for the protection of monuments from Belgrade and Pristina, and UNMIK, the parties succeeded in overcoming a year-long stalemate over the tendering procedures for reconstruction projects. As a result, five tenders totalling more than 900,000 euros were launched in May 2009. Three more tenders with a total amount of over 700,000 euros are expected to follow shortly.

36. From 11 to 14 May, a United Nations Educational, Scientific and Cultural Organization (UNESCO) delegation visited Kosovo to conduct an assessment of the reconstruction of certain cultural heritage sites, funded by the United States of America and Italy. The head of the delegation once again stressed the apolitical and status-neutral character of UNESCO activity in Kosovo and confirmed that UNESCO would continue technical cooperation with all the partners through UNMIK, on the basis of memorandums of understanding between the two organizations.

XI. Local governance

37. The reluctance of the Kosovo Serbs to engage with the Kosovo authorities continues to place in question the creation of the new Kosovo Serb-majority municipalities planned by the Kosovo authorities. In March 2009, the Kosovo

authorities initiated a process of establishing municipal preparatory teams that would carry out preliminary work on the creation of new municipalities and opened job vacancies for these bodies. Some Kosovo Serbs have expressed interest in applying for the jobs, primarily attracted by the salaries which are three times higher than the average salary in the Kosovo civil service. In the light of the upcoming municipal elections, the Kosovo authorities intensified their exhortations to Kosovo Serbs to take part in the decentralization process.

XII. Economy

38. The Mission has continued to offer its facilitation to the Kosovo authorities to enable the engagement of Kosovo in international and regional forums, initiatives and agreements and has participated in over 13 such events.

39. In order to resolve difficulties in the implementation of the Central European Free Trade Agreement (CEFTA) caused by the introduction of new customs stamps by the Kosovo Customs Director-General at the end of November 2008, UNMIK, as party to the Agreement, communicated to the other CEFTA parties a set of specimen impressions of "Kosovo Customs" stamps. These stamps, considered appropriate by my Special Representative as they refer to one single customs area of Kosovo and reflect the status-neutral approach of UNMIK, are meant for use on certificates of origin to indicate for the authorities of CEFTA parties the origin of the shipments of goods. However, the authorities in Belgrade have rejected the stamps, stating that they are not in compliance with Security Council resolution 1244 (1999) or status neutral. Serbia has proposed that the stamps refer to "UNMIK Customs" or, alternatively, "EULEX Customs" given the operational role of EULEX relating to customs. My Special Representative has continued discussions on this matter with a view to ensuring the proper functioning of CEFTA mechanisms aimed at promoting economic development in the region.

XIII. Observations

40. In line with the parameters contained in my reports of 12 June and 24 November 2008 (S/2008/354 and S/2008/692), and pursuant to the Security Council's presidential statement of 26 November 2008, UNMIK has moved forward with its reconfiguration within the status-neutral framework of resolution 1244 (1999). The United Nations will continue to adopt a position of strict neutrality on the question of Kosovo's status. I am confident that the resources of the restructured Mission, as envisaged in the 2009-2010 budget proposal, are commensurate with the tasks the Mission will need to perform during the upcoming period.

41. I welcome the assumption of full operational capability by EULEX. Its operational role in the rule of law sector, under the overall authority and within the status-neutral framework of the United Nations, is key to the maintenance of stability on the ground. As EULEX develops its road map for the strengthening of the rule of law throughout Kosovo, the concerns of all communities should continue to be taken fully into account, in close consultation with UNMIK. In this regard, I am encouraged by the level of cooperation between UNMIK and EULEX on the

ground, and expect that such cooperation will continue and be strengthened in all relevant areas.

42. Recent tensions in northern Mitrovicë/Mitrovica are of concern. I commend the Mission for its efforts to mediate between communities in the area and to promote peaceful solutions based on dialogue and compromise. I welcome the positive outcomes reached in this regard through the coordinated efforts of UNMIK, EULEX and KFOR. I call upon the communities directly affected, as well as on the authorities in Pristina and Belgrade, to continue to work closely with all international stakeholders in minimizing tensions in the area and reaching negotiated solutions to differences through peaceful means.

43. The engagement of UNMIK with all sides in order to promote the implementation of the practical arrangements referred to in my 24 November 2008 report has continued. The increasing contribution of EULEX to discussions in the area of the rule of law has helped move the process forward, in light of its expertise and operational role in the areas of police, justice and customs. Although comprehensive or long-term solutions have not yet been agreed, discussions have helped to clarify respective positions on these matters. These developments are welcome, as they enable the consideration of solutions that may resolve long-standing impasses, including concerning Kosovo Serb participation in the Kosovo Police, the functioning of the courthouse in Mitrovica, the protection of property rights and the need to bridge differences in the area of customs. I encourage all sides to increase their constructive engagement in light of the significant potential benefits which practical arrangements could bring in each of the areas under consideration.

44. UNMIK, as reconfigured, can continue to play an effective and useful role in mediating between communities, in promoting practical arrangements that can benefit both Pristina and Belgrade, and in carrying out the functions set out in my reports of 12 June and 24 November 2008. However, in order to do so effectively, UNMIK requires the cooperation and constructive engagement of all concerned. The continuing support of the Security Council and of the broader international community for a reconfigured UNMIK is of crucial importance.

45. I would like to express deep appreciation and gratitude to my Special Representative, Lamberto Zannier, for his skilful leadership in managing the evolving role of UNMIK and in overseeing the Mission's drawdown, despite the significant political challenges that UNMIK faces. I would also like to commend the staff of UNMIK for their continued dedicated efforts and commitment to Kosovo and the goals of the United Nations.

46. I would also like to extend my gratitude to the long-standing partners of the United Nations in Kosovo — the European Union, NATO and OSCE — as well as to the United Nations agencies, funds and programmes for their ongoing support and cooperation with UNMIK.

Annex I

Report of the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union to the Secretary-General of the United Nations on the activities of the European Union Rule of Law Mission in Kosovo

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) assumed full operational capability on 6 April 2009. Through monitoring, mentoring and advising the rule of law institutions in Kosovo, EULEX has built up a picture of the competence of those authorities and identified areas for further targeting of reform efforts.

On 1 February, EULEX Customs began collecting data on commercial traffic at Gates 1 and 31 in northern Kosovo on a "24/7" (24 hours a day, seven days a week) basis, and on 20 May began copying and stamping documents of truck drivers and cargos. EULEX started to adjudicate in the district courthouse in northern Mitrovicë/a, where it completed two trials. Two war crimes trials were completed leading to convictions. EULEX judges started to hold civil law trials dealing with inter-ethnic property disputes. EULEX identified and returned more than 44 sets of remains of missing persons. On 19 March, the Head of Mission and the heads of components had their first official meetings in Belgrade with senior members of the Serbian Government. EULEX police units had to intervene in April-May in violent protests by Kosovo Serbs against the reconstruction of Kosovo Albanian houses in Brdjani/Kroi i Vitakut in Mitrovicë/a. No one was seriously injured and reconstruction, eventually, by members of both communities continued peacefully.

2. EULEX activities February-May 2009

EULEX assumed its full operational capability on 6 April 2009, following successful deployment throughout Kosovo on 9 December 2008. The Mission continued to be welcomed in Kosovo, although elements in the Kosovo Serb community in the north of Kosovo accused it of partisanship when EULEX police had to intervene in April-May following violent protests by Kosovo Serbs against the reconstruction of Kosovo Albanian houses in Brdjani/Kroi i Vitakut in Mitrovicë/a. No one was seriously injured and reconstruction, eventually, by members of both communities continued peacefully. EULEX launched an outreach campaign in northern Kosovo to inform the communities about the mandate and objectives of EULEX and to underline the benefits to all the communities of enhanced rule of law in Kosovo. The Head of Mission and other senior managers continued regularly to visit the non-majority areas throughout Kosovo.

On 19 March, the Head of Mission and the heads of components had their first official meetings in Belgrade with the Serbian Deputy Prime Minister/Minister of Interior, as well as the ministers of finance, justice and the minister for Kosovo and Metohija. The three EULEX components continued technical talks with counterparts in Belgrade following the visit.

EULEX also established contacts at the technical level with rule of law authorities in Skopje, Podgorica and Tirana. Cooperation between EULEX and UNMIK has been ongoing throughout the reporting period, including on efforts regarding Brdjani/Kroi i Vitakut.

On 31 May 2009, Mission staffing was 2,569 staff (1,651 international staff and 918 local staff).

By May, through monitoring, mentoring and advising the rule of law institutions in Kosovo, the EULEX Programme Office had built up a picture of the competence of those authorities so as to identify areas for targeting reform efforts.

On 1 February, EULEX Customs began collecting data on commercial traffic at Gates 1 and 31 in northern Kosovo on a "24/7" basis, and on 20 May began copying and stamping documents with a EULEX stamp. EULEX border police extended their presence to "24/7" at Gates 1 and 31.

The handover of case files from UNMIK to EULEX has been completed. EULEX started to adjudicate in the district courthouse in northern Mitrovicë/a. In March, the first trial involving EULEX judges in the Mitrovicë/a district court went ahead despite initially being postponed owing to protests. A second case in the court was completed in May. On 3 March, EULEX issued its first verdict in a war crimes case (both the accused and the victims were Kosovo Albanians), and a second case ended in a conviction in April. EULEX judges also started to hold civil law trials dealing with inter-ethnic property disputes. Since 9 December, the EULEX Office on Missing Persons and Forensics has conducted 26 exhumations pertaining to 21 remains. These 21 remains were autopsied and bone samples sent for DNA analysis. As of the same date, the Office confirmed identification of and returned 44 remains to the families.

EULEX continued to engage with the Kosovo authorities in areas such as anti-money-laundering legislation and anti-corruption mechanisms, in consultation with international organizations. EULEX also monitored closely and provided advice to the Kosovo authorities on the role of the Kosovo Judicial Council and the role of the Special Chamber of the Supreme Court, the drafting of strategies on organized crime, counter-terrorism, narcotics and integrated border management, as well as judicial reform and senior public appointments.

EULEX police have been closely monitoring the restructuring of Kosovo Police, and had regular meetings with all Kosovo Police station commanders and senior management. EULEX participated in working groups on strategies on integrated border management (submitted to the Kosovo authorities for approval), organized crime, drugs and terrorism.

Police

EULEX police monitored, mentored and advised Kosovo Police in all regions and at all boundary points. EULEX border police presence at Gates 1 and 31 was extended to a "24/7" basis from 2 February. After the completion of case review and the handover of criminal files from UNMIK, EULEX conducted initial investigations into priority cases, including interviews with witnesses in and outside Kosovo, on-site inspections in Kosovo and requests for international cooperation.

The Head of the Police Component conferred with Kosovo Police General Director and the Minister of Internal Affairs on a weekly basis. EULEX monitored

Kosovo Police restructuring and the selection of senior Kosovo Police staff: two positions for deputy general director, four positions for assistant directors, and six regional director posts. EULEX held fortnightly meetings with the four Kosovo Police station commanders and senior management in the north. Kosovo Police in the north continued to report to EULEX police, copying in Kosovo Police regional command in their communications. Efforts to move towards greater cooperation and integration of Kosovo Serb Kosovo Police in the north into regional command structures have yet to produce tangible results. Following a joint Kosovo Police/EULEX assessment, some progress was made towards improving basic communications and logistics in the four Kosovo Police stations in the north. EULEX supports the plan for the reintegration of the suspended Kosovo Serb police officers as set out by the Ministry of Internal Affairs in mid-April and has encouraged Kosovo Police to engage with the officers concerned in a proactive way. So far, a total of about 45 out of more than 300 officers have returned to work.

EULEX monitored the performance of the ethnically mixed Kosovo Police unit with Kosovo Serb, Kosovo Bosniak and Kosovo Albanian officers which was set up on 23 January to patrol areas in north Mitrovicë/Mitrovica. These patrols were temporarily withdrawn at the time of the demonstrations in Brdjani/Kroi i Vitakut, but have been well received and appear to have improved confidence in the areas concerned.

EULEX police helped Kosovo Police restore order during daily protests in Brdjani/Kroi i Vitakut in April and May and backed up Kosovo Police during the demonstrations in May against electricity cuts in the Gjilan/Gnijlane region. The cascade of responsibilities for security incidents remains unchanged: first responder — Kosovo Police with EULEX exercising its mandate to monitor, mentor and advise; second responder — EULEX under its executive mandate; third responder — the Kosovo Force (KFOR). Regular exercises involving EULEX, KFOR and Kosovo Police took place to improve coordination and response to major security events. Formed police units continued to guard Gates 1 and 31 on a "24/7" basis and provided support in civil disturbance situations.

The EULEX Ministry Monitoring Unit provided advice to the Ministry of Internal Affairs on the reorganization of the Ministry and on civil registration and migration issues. EULEX contributed to the drafting of legislation and strategies on integrated border management, organized crime, drugs and terrorism.

Justice

By February the handover of cases from UNMIK to EULEX judges and prosecutors was mainly completed. EULEX judges received 120 cases and EULEX prosecutors close to 300 cases. A thorough examination of the case material was undertaken to ascertain the status of each case. Bringing these cases to their conclusion remains a major challenge. Cases were also examined and taken over by EULEX judges based on requests from the public or from within the Kosovo judiciary.

EULEX judges, prosecutors, correctional officers and legal experts have been monitoring, mentoring and advising Kosovo counterparts. EULEX judges, prosecutors and correctional officers have also carried out the full range of their executive tasks. EULEX judges presided over hearings and trials in mixed panels with their Kosovo colleagues. Trials were held in all regions, including Mitrovicë/Mitrovica. By late

May, 16 verdicts had been passed in criminal cases concerning inter alia murder, organized crime, trafficking in human persons and war crimes. EULEX prosecutors met with the Office of the War Crimes Prosecutor of Serbia to exchange information on ongoing cases. Verdicts were issued in two appeal cases to the Supreme Court. EULEX judges also started to handle civil law trials, dealing with intra-ethnic and inter-ethnic property disputes. In several first-instance verdicts of this kind, EULEX judges found that alleged sales of the property of displaced persons were not proven and confirmed the claims of the original owners. Following the appointment of a new representative to the Kosovo Property Claims Commission, the Commission held one four-day session in April. EULEX judges to the Special Chamber of the Supreme Court started to handle cases concerning the privatization process in Kosovo.

EULEX prosecutors initiated a new on-call system for interaction with the Kosovo Police in order to ensure that EULEX prosecutors are involved in cases from the earliest stage, together with their Kosovo colleagues. The four Kosovo Police stations in the north have also been responding to this on-call system. EULEX prosecutors and the Kosovo Anti-Corruption Agency signed an arrangement to exchange information, and EULEX prosecutors regularly received information about suspected corruption cases from the Agency.

The EULEX Office on Missing Persons and Forensics conducted a large number of autopsies, exhumations and field assessments. The Office continued to meet missing persons family associations and organized several broader meetings on the issue. A significant number of remains were identified and handed over to the families.

The EULEX Correctional Unit continued to assist its Kosovo counterparts, evaluating a wide range of aspects of Kosovo's prisons and detention centres, such as security, contingency plans and resource management.

Customs

The EULEX Customs Component continued to carry out monitoring, mentoring and advising activities with Kosovo Customs, and identified and addressed a number of areas for improvement in the work of Kosovo Customs. EULEX Customs continued its phased approach towards re-establishment of full customs control at Gates 1 and 31. On 1 February, EULEX Customs started to collect data on commercial traffic at Gates 1 and 31 on a "24/7" basis. The information collected includes date and time of crossing, details of the driver and vehicle, importing company, quantity of cargo, invoice number and value of invoice, currency and customs seal or International Road Transport (TIR) number. The data are shared with Kosovo Customs and Serbian counterparts.

On 20 May EULEX Customs further strengthened customs control with new measures, including the copying of commercial invoices accompanying goods entering Kosovo and identification cards of drivers of trucks transporting commercial goods to Kosovo. Drivers are handed a notice advising them to ensure customs clearance for their goods and informing them that the nearest clearance point is at Mitrovicë/Mitrovica Trepča complex. Copies are shared with Kosovo Customs and the Customs Administration and Tax Administration of Serbia.

Approved by Yves de Kermabon
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 31 May 2009)

Country	*Number*
Germany	1
Ghana	1
Italy	4
Pakistan	1
Russian Federation	2
Slovenia	1
Turkey	7
Ukraine	5
Total	**22**

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 31 May 2009)

Country	*Number of liaison officers*
Bangladesh	1
Czech Republic	1
Denmark	1
Norway	1
Turkey	1
Poland	1
Romania	2
Russian Federation	1
Spain	1
Ukraine	4
Total	**14**

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